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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/986,283

11/08/2001

Yosuke Nishi

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02/07/2005

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EXAMINER

WANG, LIANG CHE A

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/986,283

**Applicant(s)**

NISHI, YOSUKE

**Examiner**

Liang-che Alex Wang

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-13 are presented for examination.

#### ***Paper Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:
  - a. **Information Disclosure Statements** as received on 7/21/2003 is considered.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Referring to claim 1, Claim 1 recites a system with a command information memory stores command information transmitted from a user terminal via a external network, however, it is unclear where the command information memory actually locates, which renders the claim vague and indefinite.
6. Referring to claim 5, claims 5 recites a analysis results transmission means that transmits said analysis result by electronic mail, however, the claim language is vague and indefinite.

7. All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Petite et al., US Patent Number 6,437,692, hereinafter Petite.
10. Referring to claim 1, Petite has taught a remote control system (see title and Col 2 lines 42-53) for controlling remotely electronic equipment (Figure 9 item 910) connected via a firewall (figure 9 item 520) to an external network (items 230, 960, and 530 are considered as external network to the electronic equipment), comprising:
  - a. command information memory (Figure 4, item 424) for storing command information from a user terminal via said external network (Col 11 lines 14-32);  
and
  - b. command information transmission means (Col 6 lines 15-20) for receiving a command fetch request transmitted from said electronic equipment via said external network (Col 12 lines 46-58, s vehicle is sending out signal in need of services, Col 6 lines 15-20), reading out command information corresponding to

that request from said command information memory (Col 16 lines 20-23), and transmitting said command information via said external network to said electronic equipment as a response to that command fetch request (Col 12 lines 58-62, Col 6 lines 38-58, server provides the services to the vehicle.)

11. Referring to claim 2, Petite has taught a remote control system (see title and Col 2 lines 42-53) for controlling remotely electronic equipment (Figure 9 item 910) connected via a firewall (figure 9 item 520) to an external network (items 230, 960, and 530 are considered as external network to the electronic equipment), comprising:

- a. wait state setting means for receiving a command fetch request from said electronic equipment via said external network (Col 12 lines 46-58, s vehicle is sending out signal in need of services, Col 6 lines 15-20), and setting a wait state for that command information (figure 2, and Col 12 lines 42-65, it requires time to process and analyze the received data, wait state exists at the time frame between request send the data being processed); and
- b. command information transmission means for receiving command information transmitted from a user terminal (Figure 9, item 960) via said external network (item 230), and transmitting that command information to said electronic equipment (figure 9 item 910) as a response to said command fetch request (Col 12 lines 58-62, Col 6 lines 28-58).

12. Referring to claim 3, Petite has further taught, state information memory (figure 9 database 540), for receiving and storing state information transmitted from said electronic equipment via said external network; and state transmission means for transmitting state

information stored in said state information memory to said user terminal (Col 3 lines 31-58, sensors detects if a parking space is available (the availability is viewed as a state info: "occupied" or "not occupied"), and this availability is stored in the database server for users to retrieve the information by using the browser).

13. Referring to claim 4, Petite has further taught, the state information memory means for receiving and storing state information transmitted from said electronic equipment via said external network (Col 6 lines 15-20, Col 3 lines 31-58, sensors detects if a parking space is available (the availability is viewed as a state info: "occupied" or "not occupied"), and this availability is stored in the database server for users to retrieve the information by using the browser); state information analysis means for analyzing state information stored in said state information memory means (Col 6 lines 20-21), and analysis results transmission means for transmitting analysis results from said state information analysis means to said user terminal (Col 6 lines 22-24).
14. Referring to claim 6, Petite has further taught wherein said command information transmission means, in case where information pertaining to command execution time period for said electronic equipment is contained in command information received from said user terminal, transmit that command information at a time corresponding to that command execution time period when that electronic equipment has no time control function (Col 13 lines 50-62, command information in a parking reservation system contains a time information.)
15. Referring to claim 7, Petite has further taught, means for receiving command execution results information transmitted from said electronic equipment via said external network,

and transmitting that information to said user terminal (Col 13 lines 30-43, the system monitors the parking system, and the sensor will send back signals if a space is being taken or released.)

16. Referring to claims 8-13, claims 8-13 encompass the same scope of the invention as that of the claims 1-4, 6-8. Therefore, claims 8-13 are rejected for the same reason as the claims 1-4, 6-8.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petite in views of Naugle, US Patent Number 5,715,393, hereinafter Naugle.
19. Referring to claim 5, Petite has taught a remote control system as described in claim 1 and 4. Petite has not explicitly taught the use of electronic mail for analysis result transmission.

However, Naugle has taught a method to use email to communicate between devices (see figure 2).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the email transmission means of Naugle in Petite such that to have the remote control system of Petite to communicate information bu

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emails because both Naugle and Petite have taught inventions regarding information communication via a network.

A person with ordinary skill in the art would have been motivated to make the modification to Petite because email is a well know method to communicate information which give user a ease to use and operate the system.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status



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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *lw*  
February 1, 2005

*Hosain Alam*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER